| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/720,729 | 12/27/2000 | Masaaki Yamamoto | 9683/74 | 3943 |

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| 757    7590    06/13/2006 | **EXAMINER** |
| BRINKS HOFER GILSON & LIONE | LY, NGHI H |
| P.O. BOX 10395 | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2617 | |

CHICAGO, IL 60610

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2"><em>Office Action Summary</em></td><td>Application No.<br>09/720,729</td><td>Applicant(s)<br>YAMAMOTO ET AL.</td></tr>
<tr><td>Examiner<br>Nghi H. Ly</td><td>Art Unit<br>2617</td></tr>
</table>

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>30 March 2006</u>.

2a)☒ This action is **FINAL**.    2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>25,28-30,33-48 and 83-85</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>25,28-30,33-48 and 83-85</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All    b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>04/07/06</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.      This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

3.      Claims 25, 28-30, 33, 34, 38-48, 84 and 85 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Moles et al (US 7,024,557) in view of Wells et al (US

5,870,683).

Regarding claim 25, Moles teaches a mobile communication terminal that

receives communications services from a mobile wireless network (see Abstract and

fig.2, see wireless connection between MS 112 and Intranet/Internet 165 and/or

providing server 160), comprising: a communication control that selectively implements

multiple communication functionalities comprising a voice communication functionality

(see column 1, lines 37-40, see "*voice*"), an electronic message communication

functionality (see column 8, lines 42-46, see "*message*") and a network browsing

functionality (see column 1, lines 50-58, see "browse"), and the network browsing

functionality for browsing a second network located outside the mobile wireless network

(see column 1, lines 50-58, see "browse" and fig.2, Intranet/Internet 165 and/or

providing server 160 read on applicant's "a second network located outside the mobile

wireless network"), a viewer that activates the network browsing functionality to

selectively access information provider servers located in the second network (also see

column 1, lines 50-58, see "browse" and see fig.2, Intranet/Internet 165 and/or providing

server 160 read on applicant's "a second network located outside the mobile wireless

network").

Moles does not specifically disclose receiving <u>one</u> or more blocks of screen data

from the accessed information provider servers for preview of the received one or more

blocks of screen data by a user of the mobile communication terminal, a registration

control that upon a selection by the user of one block of screen data through the

preview of the received one or more blocks of screen data, stores the selected one

block of screen data in one of multiple memory areas each correlatable to any one of

the at least one standby state, a correlation control responsive to an instruction from the

user to <u>dynamically</u> correlates the one of the multiple memory areas to one of the at

least one standby state selected by the user, and a display control that, when the terminal is in the selected one of the at least one standby state, displays the selected one of the one or more blocks of screen data.

Wells teaches receiving <u>one</u> or more blocks of screen data from the accessed information provider servers for <u>preview</u> of the received one or more blocks of screen data by a user of the mobile communication terminal (Abstract and column 2, lines 13-25, see "<u>selectively display</u>", and column 4, lines 47-53, see "<u>be erased and replaced with the same or different characters</u>", and they read on applicant's "preview". <u>In addition, the applicant's specification fails to disclose the word "preview"</u>), a registration control that upon a selection by the user of one block of screen data through the preview of the received one or more blocks of screen data (see column 4, lines 11-16 and see column 8, lines 9-13, and see Abstract and column 2, lines 13-25, see "Idle state" and "<u>selectively display</u>" and "displayed during an Idle state"), stores the selected one block of screen data in one of multiple memory areas each correlatable to any one of the at least one standby state (see column 4, lines 11-16 and see column 8, lines 9-13, and see Abstract and column 2, lines 13-25, see "Idle state" and "<u>selectively display</u>" and "displayed during an Idle state"), a correlation control responsive to an instruction from the user to <u>dynamically</u> correlates the one of the multiple memory areas to one of the at least one standby state selected by the user (see column 2, lines 12-25, see "<u>selectively</u> display" and column 8, lines 9-13, see "user choice", and see column 5, lines 39-45, see "if a <u>user selects</u> an animation". Wells teaches "<u>selectively</u> display" and "if a <u>user selects</u> an animation" and they read on Applicant's "<u>dynamically</u> correlates"),

and a display control that, when the terminal is in the selected one of the at least one

standby state (Abstract and column 2, lines 13-25, see "Idle state" and "selectively

display" and "displayed during an Idle state", and see column 3, line 54 to column 4, line

10 and see fig.3A to fig.4C. In addition, see column 4, lines 47-53, see "be erased and

replaced with the same or different characters"), displays the selected one of the one or

more blocks of screen data (Abstract and column 2, lines 13-25, see "Idle state" and

"selectively display" and "displayed during an Idle state" and see column 5, lines 39-45,

see "if a user selects an animation" or see column 8, lines 14-15, see "selected

animation").

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to provide the teaching of Wells into the system of Moles

in order to selectively display one of a plurality of graphical information sequences on a

display of the mobile station (see Wells, column 2, lines 15-18).

Regarding claim 28, the combination of Moles and Wells further teaches the data

source is located outside the network and connected to the network over at least one

public data communication network (see Moles, fig.2 or see Well, column 10, lines 9-25,

see "can be loaded from the network 32").

Regarding claim 29, the combination of Moles and Wells further teaches the data

source is another communication terminal (see Well, column 10, lines 9-25, see "can be

loaded through the external data connection 28").

Regarding claim 30, the combination of Moles and Wells further teaches the data

source is a server that provides information (see Moles, fig.2 or Wells, column 4, lines

5-10, see "network provider").

Regarding claim 33, the combination of Moles and Wells further teaches the

registration control determines, based on one or more attributes attached to the

selected one of the one or more of the received screen data, whether the selected block

of the received screen data is storable (see Well, column 3, line 54 to column 4, line 10,

and column 4, lines 11-14).

Regarding claim 34, the combination of Moles and Wells further teaches one of

the attributes is a size of the selected block of the received screen data (see Well,

column 3, line 54 to column 4, line 10).

Regarding claim 38, the combination of Moles and Wells further teaches one of

the attributes is a communication protocol adopted in the network (see Moles, fig.2 or

see Wells, column 10, lines 9-25, the teaching of Wells inherently teaches Applicant's

"one of the attributes is a communication protocol adopted in the network").

Regarding claim 39, the combination of Moles and Wells further teaches different

screen data is selectively displayed in a standby state (see Wells, Abstract and column

2, lines 13-25, see "Idle state" and "selectively display" and "displayed during an Idle

state" and see column 5, lines 39-45, see "if a user selects an animation" or see column

8, lines 14-15, see "selected animation").

Regarding claim 41, the combination of Moles and Wells further teaches different screen data is displayed in a standby state in a periodic rotation (see Wells, column 4, lines 1-4, see "displayed sequentially").

Regarding claim 42, the combination of Moles and Wells further teaches one of the at least one standby state is a standby state in which the terminal is waiting for a call to come in or for the user to key in (see Wells, Abstract).

Regarding claim 43, the combination of Moles and Wells further teaches one of the at least one standby state is a state of downloading data from the data source (see Wells, Abstract and column 10, lines 10-25).

Regarding claim 44, the combination of Moles and Wells further teaches the display control keeps displaying screen data until an occurrence of an event triggers a shift from the standby state (see Wells, column 2, lines 12-33).

Regarding claim 45, the combination of Moles and Wells further teaches the selected one of the one or more of the screen data is processed for display (see Wells, column 3, line 54 to column 4, line 10).

Regarding claim 46, the combination of Moles and Wells further teaches the size of the image represented by the selected one of the one or more of the screen data is adjusted (see Wells, column 10, lines 21-24).

Regarding claim 47, the combination of Moles and Wells further teaches the image represented by the selected one of the one or more of the screen data is repeated (see Wells, column 4, lines 1-4, see "displayed sequentially").

Regarding claim 48, the combination of Moles and Wells further teaches the image represented by the selected one of the one or more of the screen data is placed at a designated location on a display of the terminal (see Wells, fig.3A and 3B).

Regarding claim 84, Moles further teaches the second network is an Internet (see fig.2, see "Internet").

Regarding claim 85, Moles further teaches the one or more blocks of screen data are received from a web page on the Internet (see column 1, lines 50-58, see "web", "Internet" and "graphics").

4.      Claims 35, 36, 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moles et al (US 7,024,557) in view of Wells et al (US 5,870,683) and further in view of Official notice.

Regarding claims 35, 36, 37 and 40, the combination of Moles and Wells teaches claim 25.  The combination of Moles and Wells dos not specifically disclose the attributes is copyright protection or one of the attributes is identification of a network through which the screen data was downloaded received one of the attributes is an encryption method with which the screen data is encrypted or different screen data is randomly displayed in a standby state.  However, the examiner takes Official notice that such feature as recited is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed in order to improve one of the attributes is copyright protection or one of the attributes is

identification of a network through which the screen data was downloaded received one

of the attributes is an encryption method with which the screen data is encrypted *or*

different screen data is randomly displayed in a standby state.

5.      Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moles et

al (US 7,024,557) in view of Wells et al (US 5,870,683) and further in view of Thompson

et al (US 5,809,433).

        Regarding claim 83, the combination of Moles and Wells teaches claim 25. The

combination of Moles and Wells does not specifically disclose one of the at least one

standby state is a state of receiving an e-mail.

        Thompson teaches one of the at least one standby state is a state of receiving an

e-mail (see column 1, lines 45-48).

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to provide the teaching of Thompson into the system of

Moles and Wells so that during the standby mode, the radio telephone can receive

electronic mail.

### Response to Arguments

6.      Applicant's arguments with respect to claims 25, 28-30, 33-48 and 83-85 have

been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).


Nghi H. Ly



CHARLES APPIAH
PRIMARY EXAMINER